

Response to non-final Office Action dated July 27, 2010

Response dated: August 20, 2010

REMARKS/ARGUMENTS

Claims 7-11, 15-19, 21-37 and new claims 40 and 41 are pending in the application. Claims 1-15 and 32-33 have been withdrawn pursuant to a restriction requirement, and of these, claims 1-6 and 12-14, have been canceled without prejudice to Applicant pursuing these claims in a divisional application. Claims 38 and 39, previously presented, have been canceled. Reconsideration and a withdrawal of the rejections are respectfully requested in view of the above amendments and the following remarks.

Applicant has reviewed the rejections set forth in the office action and has amended the claims to more particularly distinguish the present invention. Applicant's remarks and amendments are discussed below.

The Section 112 Rejection

Claims 16-31, 34-37 and 39 stand rejected under 35 USC 112, first paragraph. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

The Examiner notes that the specification provides support for removing the shell from the oil, opening the shell, and removing the cooked food (e.g., the cooked doughnut) from the shell. Applicant has amended the claims to recite language that the fryer involves cooking by transporting the shells through the fryer. Applicant's specification discusses this at p. 6, lines 6-22, wherein the cooking involves placing the shells on a belt and involves a transportation process of the shells on racks that traditionally move dough through a fryer (e.g., in a doughnut making process). Applicant

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submits that the specification supports the claimed features recited in claims 16, 26, 31 and 36, as now amended, and new claims 40 and 41. Applicant's specification also refers to the figures, including Figs. 4 and 5, where there are shells shown in a linked arrangement for transport together.

Claim 16 includes the language more particularly defining the cooking step:

placing said shell containing the food desired to be cooked in a frying apparatus, said frying apparatus comprising a second environment, said second environment containing liquid cooking media, wherein placing said shell in said frying apparatus comprises placing said shell on a transport rack and transporting said shell through said liquid cooking media

Applicant submits that the specification and the Applicant's drawing figures, including e.g., Figs. 1 through 5, that illustrate the hingeably connected shell parts, and the linking of the shells, would convey to one of ordinary skill in the art the invention recited in the claims. Claims 26, 31 and 36 have been amended along the lines of claim 16 to include the feature recited above in connection with claim 16. (See also new claim 41) Claim 29 has been amended to recite the feature of the flexible linking referred to at p. 6. In addition, the language regarding the removal of the cooked food from the shell is supported by the specification and the figures, including the passage referenced by the Examiner that discusses opening of the shell. Applicant describes linking the shells, and that disclosure is consistent with the specification and figures that relate to the removal of a food item from the shell by opening the shell.

For the above reasons, Applicant respectfully requests reconsideration and a withdrawal of the section 112 rejection.

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Claims 16-31, 34-37 and 39 stand rejected under 35 U.S.C. 112, second paragraph. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant has amended the claims to delete the reference to "approximates the shell configuration". Although Applicant submits that applying the ordinary usage of the term "approximates", would appropriately convey the meaning of the claim, Applicant has amended the language to recite that the cooked food "resembles" the shape of the shell. Applicant has also defined this feature with reference to the shell second configuration, which is the configuration of the shell used for cooking. Claims 16, 26, 29, 31 and 36, in view of the above amendments, now more particularly recite the invention.

Applicant also has amended the claims to more particularly recite that the first and second shells are liftable relative to each other so that the food may be removed from the shell. Amendments have been made to claims 16, 26, 29, 31 and 36 (and see new claim 41).

For the above reasons, and in view of the amendments, Applicant respectfully requests a withdrawal of the rejection.

The Section 103 Rejections

The claims have been rejected based on the following sundry grounds:

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- Claims 16-21, 26-31 and 36-39 stand rejected under 35 U.S.C. 103(a) as being obvious over Morley (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193).
- Claims 16-20, 26-30 and 36-39 stand rejected under 35 USC 103(a) as being unpatentable over Wilcox (U.S. 1,638,673) in view of Guyon et al. (U.S. 2,244,193).
- Claims 16-21, 26-30 and 36-39 stand rejected under 35 USC 103(a) as being unpatentable over Downing (U.S. 3,727,875) in view of Bedel (U.S. D 77,875) and Guyon et al. (U.S. 2,244,193).
- Claim 31 stands rejected under 35 USC 103(a) as being unpatentable over Downing (U.S. 3,727,875) in view of Bedel (U.S. D 77,875), Guyon et al. (U.S. 2,244,193) and Morley.
- Claims 22-25 stand rejected under 35 USC 103(a) as being unpatentable over Morley (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) in further view of Aurio and Young.
- Claims 22-25 stand rejected under 35 USC 103(a) as being unpatentable over Downing, in view of Bedel and Guyon in view of Aurio and Young.
- Claim 34 stands rejected under 35 U.S.C. 103(a) as being obvious over Morley (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) and further in view of Roberts (U.S. 5,359,924).

- Claim 34 stands rejected under 35 U.S.C. 103(a) as being obvious over Downing, in view of Bedel and Guyon et al. (U.S. 2,244,193) and further in view of Roberts (U.S. 5,359,924).
- Claim 35 stands rejected under 35 U.S.C. 103(a) as being obvious over Morley (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) and Roberts (U.S. 5,359,924) in further view of Remley (U.S. 3,007,595).
- Claim 35 stands rejected under 35 U.S.C. 103(a) as being obvious over Downing, in view of Guyon et al. (U.S. 2,244,193), Bedel, and Roberts (U.S. 5,359,924) in further view of Remley.

Applicant has considered the references and the pending claims in view of the above rejections and submits that the claims, as now amended, distinguish the present inventive method over the cited art. Applicant refers the Examiner to page 6 of the specification, where Applicant discusses the present invention as being an improvement in the production of cooked food items, such as doughnuts. Applicant discusses the use of a belt, racks, a transportation process, and travel through a deep fryer. The method involves the utilization of the Applicant's shells and transporting them through a deep fryer. According to embodiments discussed in the claims, the invention also involves providing a plurality of shells that may be linked together, including linkages that allow a number of linked together shells to travel through the fryer apparatus (see claims 29, 34, 35, 40 and 41). More particularly, in the specification, Applicant recites that the linking in the Applicant's method is accomplished through flexible linking, to further facilitate travel of a plurality of the shells through the fryer.

Claims 16, 26, 31 and 36 recite the transportation process by stating that the shells are placed on a transport rack and are transported through liquid cooking media. Applicant, in the specification, at p. 6, discusses the racks linked on a belt as a mechanism for cooking, and that the shells are placed on the aforementioned racks for cooking. Accordingly, the present amendments are supported by the specification, and no new matter has been introduced. Claim 16 now recites that placing the shell in the fryer involves the transportation process:

wherein placing said shell in said frying apparatus comprises placing said shell on a transport rack and transporting said shell through said liquid cooking media;

Claims 26, 31, 36 and 41, also independent claims, recite this feature as well.

Claim 29 recites the feature of linking the shells, and more particularly flexibly linking the shells together. Applicant discusses this feature in the specification at p. 6. No new matter has been introduced. Applicant submits that the prior art, including the Roberts reference, which the Office Action considers to disclose linked together cylinders, does not disclose flexibly linking the cylinders, but rather rigidly connects them, not only together, but also to a basket in which they are mounted, and moreover, confines them to the location within the basket in which they are mounted.

In addition, this reference, and the other references do not disclose or suggest a transportation process, such as the process of transporting the shells recited in claims 16, 26, 31, and 36, and the claims dependent therefrom. In addition, claims 34 and 35 provide flexible linking of the shells, and claim 35 particularly recites the features of the

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linking such that the Applicant's method is carried out using a c-shaped linkage and a pin linkage, and involves connecting the shells by connecting the c-shaped linkage with the pin linkage.

Applicant's pending claims 16, 26, 31, 36 and 41 and claims dependent therefrom, as now amended, recite the feature of transporting the shells in a transportation process that involves moving the shells through the fryer on a transport rack. The sundry references forming the bases of rejection do not suggest or disclose devices or methods that involve a transportation process where shells are transported into and through a liquid cooking media, and methods and devices where the shells are flexibly linked together (see amended claim 29), and, moreover, where the flexibly linked together shells are transported through a liquid cooking media (see claim 34 and new claims 40, 41).

For these reasons, Applicant respectfully traverses the rejections and requests reconsideration.

Accordingly, a withdrawal of all outstanding rejections is hereby respectfully requested.

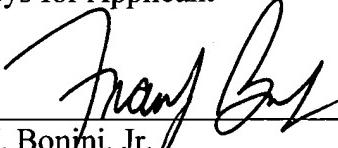
If further matters remain in connection with any of the rejections addressed herein, the Examiner is invited to telephone the Applicant's undersigned representative to hold an interview to discuss them.

If an extension of time is required, the Commissioner is requested to consider this a request for a petition for the appropriate extension of time.

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Respectfully submitted,
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